IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1027 OF 2005

IN

SUMM.SUIT NO. 128 OF 2005

Shri Maruti Shivaji Bhosale .. Plaintiff

versus

Smt.Madhubai Khodidas Sosa .. Defendant

...

Mr.Santosh Chavani i/b M.N.Rajput for Plff

CORAM : D.G. KARNIK, J

DATED : 4th May 2005.

P.C.

1. Heard learned counsel for the plaintiff. None present for the defendant though served.

2. Perused the joint affidavit of service filed on record by the plaintiff dated 2nd May, 2005 and the office report certifying that the writ of summons has been served.

3. The plaintiff has filed on record the compilation

of documents on 13th April, 2005. I have perused the plaint and the documents filed on record. The plaintiff lent and advanced to the defendant a sum of Rs.50,000/-. The defendant executed a writing styled as a promissory note. The original writing is produced on record. The office copy of the notice of demand is returned with the returned envelope is filed on record.

4. In the absence of any appearance, averments made in the plaint are deemed to be accepted. The plaintiff is entitled to a decree under Order 37 Rule 2 (3) of the Code of Civil Procedure. Hence, suit of the plaintiff is decreed in terms of prayer clauses of the plaint.

D.G.KARNIK, J